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## **REMARKS**

### **I. STATUS OF THE CLAIMS**

The Examiner noted that the claims previously submitted were inadvertently misnumbered, because two claims were designated as claim 264. The Examiner renumbered the claims as claims 259-263, 265-302, 369, and 383-392 and considered such claims, as renumbered, in the Office Action dated June 3, 2005. Applicants thank the Examiner for his careful review of the claims and proceeding with examination despite the inadvertent misnumbering of certain claims.

Claims 259-263, 265-269, 272-273, 276-277, 279-299, 302, and 383-392, as renumbered, have been allowed. Claims 270-271, 274-275, 278, 300-301, and 369, as renumbered, were rejected.

With this Amendment, claims 259-263, 265-302, and 383-392, as renumbered, are presently pending. Claim 369, as renumbered, has been canceled without prejudice to subsequent renewal in, e.g., a continuation or divisional application. Claims 265-302 and 383-392 have been formally amended herein to correct the inadvertent misnumbering precipitated by the inclusion of two claims numbered as claim 264. Claim dependencies have also been amended where necessary pursuant to the revised claim numbering. No new matter has been added by these amendments.

### **II. AMENDMENTS TO THE SPECIFICATION**

The specification has been amended to correct an inadvertent typographical error on page 23 as requested by the Examiner. Specifically, the term "CD28BP-12" has been corrected to recite properly "CD28BP-15." Applicants thank the Examiner for noting this inadvertent error. Support for this amendment is provided in Figure 8B. No new matter is added by this amendment.

### **III. REJECTIONS UNDER 35 USC § 112, FIRST PARAGRAPH**

Claims 270-271, 275-275 [sic], 278, 300, and 301, as renumbered, were rejected under 35 USC § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Office Action, page 4. Applicants note the Examiner has listed claim 275 twice among the rejected claims. Applicants believe the Examiner intended to specify claims 274-275 and respond accordingly.

The Examiner takes the position that the ranges of amino acid residues 246-272, 273-303 and 1-272 in SEQ ID NO:66 do not have proper written support in the specification as filed. Although

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the Examiner agrees that the sequence LPFWVIIPVSGALVLTAVVLYCLACRH is shown by the dashed underlining in the originally filed Figure 8B and that this sequence corresponds to amino acids 246-272 of SEQ ID NO:66, the Examiner states he was unable to find adequate support for Applicants' assertion that this underlining represents an alternative aspect of the transmembrane domain or that such aspect was part of Applicants' original disclosure. Office Action, page 5.

This rejection is respectfully traversed. Page 199, lines 8-11 of the specification as filed clearly explains that a predicted transmembrane domain for CD28BP-15 based on an analysis for mammalian B7-1 molecules in Parsons, K.R. & Howard, C.J. (1999) *Immunogenetics* 49:231-4 is illustrated in Figure 8 by the dashed line, which corresponds to amino acid residues 246-272 of SEQ ID NO:66 as noted above. Based upon this predicted transmembrane domain, the predicted cytoplasmic domain of CD28BP-15 (SEQ ID NO:66), which follows the transmembrane domain, comprises the remaining amino acid residues 273-303, and an amino acid sequence corresponding to the signal peptide, extracellular domain, and transmembrane domain of SEQ ID NO:66 comprises residues 1-272. Withdrawal of the rejection is respectfully requested.

Claim 369, as renumbered, was rejected under 35 USC § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to enable one skilled in the art to which it is most nearly connected, to make and/or use the invention. Office Action, page 6. Although Applicants continue to traverse the rejection for at least the reasons outlined in the response filed previously, in an effort to expedite prosecution, claim 369 has been canceled without prejudice to subsequent renewal. This rejection has been mooted by cancellation of the claim.

#### IV. REJECTIONS UNDER 35 USC § 102(b)

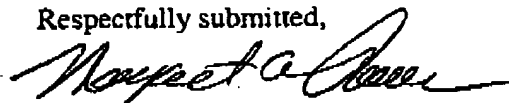
Claim 369, as renumbered, was rejected under 35 UCS § 102(b) as allegedly being anticipated by Parsons *et al.*, *Immunogenetics* 49:231-234 (1999) ("Parsons"). Office Action, page 6. Although Applicants continue to traverse the rejection for at least the reasons outlined in the response filed previously, in an effort to advance prosecution, claim 369 has been canceled without prejudice to subsequent renewal. The rejection has therefore been mooted.

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**CONCLUSION**

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5809.

Respectfully submitted,



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